
HOUSE BILL No. 1771

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-2.

Synopsis: Criminal recklessness with a vehicle. Makes criminal recklessness that involves: (1) a vehicle; and (2) disobeying a traffic device; a Class D felony if bodily injury results or a Class C felony if death results.

Effective: July 1, 2005.

Orentlicher

January 19, 2005, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1771

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this
3 section, "hazing" means forcing or requiring another person:

4 (1) with or without the consent of the other person; and

5 (2) as a condition of association with a group or organization;
6 to perform an act that creates a substantial risk of bodily injury.

7 **(b) As used in this section, "official traffic control device" has**
8 **the meaning set forth in IC 9-13-2-117.**

9 ~~(b)~~ **(c)** A person who recklessly, knowingly, or intentionally
10 performs:

11 (1) an act that creates a substantial risk of bodily injury to another
12 person; or

13 (2) hazing;

14 commits criminal recklessness. Except as provided in subsection ~~(c)~~;
15 **(d)**, criminal recklessness is a Class B misdemeanor.

16 ~~(c)~~ **(d)** The offense of criminal recklessness as defined in subsection
17 ~~(b)~~ **(c)** is:



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(1) a Class A misdemeanor if the conduct includes the use of a vehicle **but the individual committing the offense does not disobey an official traffic control device;**

(2) a Class D felony:

(A) if it is committed while armed with a deadly weapon; or

(B) if:

(i) the conduct constituting the offense includes the use of a vehicle;

(ii) the individual committing the offense disobeys an official traffic control device; and

(iii) the offense results in bodily injury; or

(3) a Class C felony:

(A) if it is committed by shooting a firearm from a vehicle into an inhabited dwelling or other building or place where people are likely to gather; or

(B) if:

(i) the conduct constituting the offense includes the use of a vehicle;

(ii) the individual committing the offense disobeys an official traffic control device; and

(iii) the offense results in death.

~~(d)~~ (e) A person who recklessly, knowingly, or intentionally:

(1) inflicts serious bodily injury on another person; or

(2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

~~(e)~~ (f) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

(1) makes a report of hazing in good faith;

(2) participates in good faith in a judicial proceeding resulting from a report of hazing;

(3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

~~(f)~~ (g) A person described in subsection ~~(e)(1)~~ (f)(1) or ~~(e)(2)~~ (f)(2) is presumed to act in good faith.

~~(g)~~ (h) A person described in subsection ~~(e)(1)~~ (f)(1) or ~~(e)(2)~~ (f)(2)

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- 1 may not be treated as acting in bad faith solely because the person did
2 not have probable cause to believe that a person committed:
3 (1) an offense under this section; or
4 (2) a delinquent act that would be an offense under this section if
5 the offender was an adult.

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